



**TOWN OF LOOMIS**  
**ACTION MINUTES**  
**REGULAR MEETING OF**  
**LOOMIS TOWN COUNCIL**  
**LOOMIS VETERANS' MEMORIAL HALL**  
**6140 HORSESHOE BAR ROAD, STE. K**  
**LOOMIS, CA 95650**

<b>TUESDAY</b>	<b>OCTOBER 14, 2008</b>	<b>7:00 P.M.</b>
<b>CLOSED SESSION</b> – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.		
a. <b>CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.</b> Pursuant to Subdivision (a) of Section 54956.9: Name of case: Clover Valley Town of Loomis v. City of Rocklin, et al and Rocklin 650 Venture, et al. Placer County Case No. SCV 22017 consolidated with Case SCV 22031		
<b>TUESDAY</b>	<b>OCTOBER 14 , 2008</b>	<b>7:30 P.M.</b>

**CALL TO ORDER** Call to order by Mayor Kelley at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present:

Mayor Kelley  
Councilmember Millward  
Councilmember Morillas  
Councilmember Scherer  
Councilmember Ucovich

Absent: None

**STATEMENT OF ACTION TAKEN DURING CLOSED SESSION**

a. No action taken.

**MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS**

Councilmember Scherer stated he was pleased to see the Depot building looking the way it is and thanked staff for their work on the project (working on the grant, the bids, etc.).

Councilmember Ucovich stated the following:

- he complimented High Hand Nursery on the glass building
- he requested to place on the next agenda the Calthorpe plan, it is a guideline for downtown, since we will be working on the downtown with the acquisition of the railroad property
- he would like an update of Sierra College Boulevard on the next agenda, he would like to know what is going to be happening on the Loomis part of the roadway

Councilmember Millward stated the following:

- there have been two or three citizens fall downtown
- we need to do something about the trees that are raising the sidewalks in downtown between Main Drug Store and Horseshoe Bar Grill
- there is a company that can take care of the roots so they don't keep coming up

Councilmember Ucovich would like to see some alternate possibilities for the roots.

Mayor Kelley suggested bringing the downtown sidewalks up at the next meeting.

A motion was made to add the following items to the next agenda:

- the Calthorpe plan
- update on Sierra College Boulevard improvement
- sidewalk between Main Drug and Horseshoe Bar and Grill
- capital improvement matrix

On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

**All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.**

**Written Material Introduced Into the Record:** Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.** No public comment.

## **ADOPTION OF AGENDA**

Perry Beck, Town Manager, requested to add an agenda item from Daniel Outlaw, Del Oro High School Student, who is asking council to consider a donation for the Mock Trial program.

It was noted that this item came up after the agenda was posted and needs to be dealt with prior to the next Council meeting so a motion was made to include with item 8, a consideration of a donation for the Mock Trial program. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to adopt the Agenda as amended. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

**OPPORTUNITY TO COMMENT ON CONSENT CALENDAR:** All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

No public comment.

A motion was made to adopt the Consent Agenda, pulling item 4 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

## **CONSENT AGENDA**

## **RECOMMENDED ACTION**

- |   |                         |
|---|-------------------------|
| 1. Council Minutes – 8/12/08, 8/19/08, 9/9/08 | <i>APPROVE</i>          |
| 2. Monthly Check Register – September         | <i>RECEIVE AND FILE</i> |
| 3. Statement of Activity                      | <i>RECEIVE AND FILE</i> |
| 5. Planning Status Report                     | <i>RECEIVE AND FILE</i> |
| 6. 2008/09 Projects Update                    | <i>RECEIVE AND FILE</i> |
| 7. Pacific Gas and Electric Rule 20 Funds     | <i>RECEIVE AND FILE</i> |

## **CONSENT ITEMS FORWARDED**

#### 4. Treasurer's Report

RECEIVE AND FILE

Councilmember Ucovich asked the Finance Director to give a run down on corporate America and the Town's financial situation.

Roger Carroll, Town Finance Director, stated the following:

- we have had historical things happening, banks are failing and businesses are going under
- we own corporate bonds only in corporations that are investment grade
- We own \$500,000 in bonds with Lehman Brothers and they filed bankruptcy
- all of the other bonds are expected to pay off at maturity
- cities across California own, in total, over 130 million dollars worth of these bonds
- they have formed a coalition to address the issue of the bankruptcy
- each week they will be having a conference call to discuss it
- the cities that hold the biggest portions have already hired bankruptcy counsel
- part of the discussion this week will be to see if we can join proportionate share in the attorneys cost
- in the past the bankruptcy counsel has been very affective in getting 100% paid to secured debt

No public comment.

Following further discussion on the matter, a motion was made to receive and file the Treasurer's Report. On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by voice vote.

#### BUSINESS

##### 8. Sheriff Search & Rescue and Loomis Quilt & Fiber Guild

Council is asked to consider donating money to the Sheriff Search & Rescue for use in purchasing equipment and training; and to the Loomis Quilt & Fiber Guild for a quilt show in April 2009

**Recommended action:** Approve donations in an amount that Council may wish to donate to the respective activities

**Public comment:**

No public comment.

Following further discussion on the matter, a motion was made to donate \$200 to the Sheriff's Search & Rescue, \$400 to the Loomis Quilt & Fiber Guild, and \$400 to the Mock Trial Program at Del Oro High School. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

##### 9. Transit Operations Joint Powers Authority

PRIDE Industries is ceasing to serve as the Consolidated Transportation Service Agency in Placer County, there is a need to develop a new structure to provide transit operations and a joint powers authority is advocated by Placer County Transportation Planning Agency

**Recommended action:** Approve resolution agreeing to form a JPA and authorize Mayor to execute the Western Placer County Consolidated Transportation Services Agency Joint Powers Agreement

**Public comment:**

David Meilko, Placer County Transportation Planning Agency, stated the following:

- the principle function for the Western Placer Consolidated Transportation Service Agency (CTSA) was to provide services for seniors and individuals with disabilities
- in the past it was PRIDE Industries who provided this service and last September they said they no longer want to be the CTSA
- it has to be an independent agency that can take it over and a Joint Powers Authority (JPA) was the model recommended
- asked Council if they would join the JPA

Dave Larsen, Town Attorney, questioned the following:

- under Term and Termination in the JPA agreement if one member drops out does that terminate the whole agreement
- if they don't like it than what are their options

Mr. Meilko stated he would find out.

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 08-31, approving a joint exercise of powers agreement through agreement and creation of the Western Placer Consolidated Transportation Service Agency between the City of auburn, City of Coffax, City of Lincoln, City of Rocklin, City of Roseville, County of Placer and the Town of Loomis and authorizing the Town Mayor to execute the agreement on behalf of the town of Loomis, contingent on the Town Attorney's approval as to form. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

10. **Legal Services Agreement**

Given the special legal needs associated with commenting on development projects that could adversely affect Loomis, and possibly defending the Town's claims if legal action is needed, it is necessary to have an agreement with special legal counsel

**Recommended action:** Approve resolution authorizing agreements with Donald B. Mooney, Esq for special legal services

**Public comment:**

Mayor Kelley pointed out the following:

- we have a potential of nine lawsuits that could cost the Town \$75,000 in legal fees on each one
- we need to negotiate before the development agreements are in place
- in our General Plan we have part of Rocklin's proposal written
- we need to take the more pro-active approach instead of waiting until the last minute

Councilmember Millward noted that if a Borders Committee negotiated then maybe the lawsuit could be dropped.

Councilmember Scherer stated the following:

- when an applicant submits a formal project to a city then the CEQA time frames begin
- we can always talk to them long before they are into the formal process
- Rocklin, Roseville and the County submit informal projects to one another and ask what their concerns on the projects are but they choose not to do that with Loomis
- all of our offers to work with them in advance have been rebuffed so we fall back to the formal comment and response, litigation process that is set up in CEQA

Gary Liss, 4395 Gold Trail Way, stated the following:

- he supports hiring the consultant, Donald Mooney, we need that type of legal support
- we missed opportunities during the formal notice process on a number of projects, like the Rocklin Crossings project
- we did not officially comment on it so the only opportunity to get our issues across is litigation
- he agrees with having a frame work for development with our neighbors through the Borders Committee
- we need to fully engage with all the neighboring communities to avoid litigation
- at this time, the only opportunity we have for negotiation, is through litigation settlement
- he recommends support in authorizing agreements with Donald Mooney for legal services

Roger Smith, 6755 Wells Avenue, stated the following:

- he agrees with the Mayor that we have to look at ways to be more pro-active so we don't find ourselves in this last minute lawsuit
- he suggested getting in the loop of early notification from the other communities
- we have no other option at this time than to approve the legal services

Lisa Pywtorak, 4255 Dias Lane, stated the following:

- she assumed the Town was dealing with Rocklin before the projects were approved
- now we have no choice but litigation
- She has spoken at the Rocklin meetings and they are not concerned with what we have to say
- the threat of litigation will be the only thing that will get their attention
- she supports hiring legal services

Following further discussion on the matter, a motion was made to adopt Resolution 08-32, approving agreements for special legal services with Donald B. Mooney and authorizing the Town Manager to execute the agreements on behalf of the Town of Loomis. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

11. **Town Hall Occupancy at 3665 Taylor Road**

The new Town Hall facility (former SPMUD building) will require a closer review and more involved repair and clean up to become a useful Town Hall building

**Recommended action:** Authorize staff to secure architect services in an amount not to exceed \$30,000 to evaluate the new Town Hall facility and design a remodel plan that can be bid out

**Public comment:**

No public comment.

Following further discussion on the matter, a motion was made to authorize staff to begin the process of request for proposals for architect services in an amount not to exceed \$30,000, (to be brought back for Council's approval) to evaluate the new Town Hall facility and design a remodel plan that can be bid out. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

12. **Open Space Committee 2 Recommendations Review** (Continued from 9/9/08) TC 9/9/08

At the February 2008 joint meeting the Council developed work plan goals for the Park and Open Space Commission that included a Council review of recommendations from Open Space Committee 2 to determine which to submit to the Park and Open Space Commission as matters to include in the work plan

**Recommended action:** Consider the Open Space Committee 2 recommendations and Decide what to include in the update of the 1998 Parks and Recreation Master Plan  
**Public comment:**

Gary Liss stated the following:

- he distributed to the Council the summary of the recommendations (5 recommendations) from the Open Space Committee's final report
- the summary is a handout that has been pending since December of 2006 and that was given to the Council in January 2007
- the issues give general policy direction
- suggested adopting the recommendations and then provide comments to be considered by the Park and Open Space Commission

Roger Smith, 6755 Wells Avenue and the previous chairman of the Open Space Commission II, suggested the following:

- we need a road map on how to approach implementing this
- we had short term recommendations in the report that was bolded
- he would like to see a motion from the Council approving these five elements Mr. Liss handed out: strengthen Town policies, study funding, educate and involve the residents, promote partnerships with local land trusts, and preserve special properties that have been identified
- the second phase would be to look at the 27 short term recommendations, form a consensus and start implementing them
- then phase three would be to look at the rest of the recommendations, form a consensus and start implementing them

Jean Wilson, 4301 Barton Road, stated the following:

- on definitions there needs to be some tweaking on "Agricultural Area", it starts with food or fiber and some of these things are not food or fiber
- she has some concerns with "significant Ecological Area" and "Important Scenic Resource" definitions they are so inclusive, she doesn't know what the significance of these definitions might be
- most of the rural area will fall into one of the two categories
- what is intended to be done with properties within these categories (that are extremely broad), what is the impact on the property owners, will we have to meet special criteria or approvals, will we need a report done in order to do something on our property

Jeremy Sutter, 3145 Orchard Park Court, stated the following:

- Mr. Smith outlined a good framework for how the Town can tackle the issue by approving some general concepts
- approving the five concepts in bold is fine but when he reads the specifics underneath them it looks like they are duplicating efforts that is the job of the Planning Commission and Town staff
- cautioned Council on approving concepts that may cause problems for everyone later on

A motion was made to take item 1, "Create a separate Open Space general Plan Element to more clearly convey the Town's open space goals and policies," and refer that to the Park and Open Space Commission (POSC). On motion by Councilmember Scherer, seconded by Councilmember Uovich and call for the question on the motion.

Councilmember Morillas noted that there needed to be public comment on this item.

Councilmember Scherer withdrew his motion in order to have public comment.

Jeremy Sutter stated the following:

- regarding item 5, "increase required buffer setback near creeks and wetlands," he would like to give staff flexibility on setbacks as it seems fit and for specific projects that may be appropriate to increase or decrease the setback
- item 6, providing incentives is a good idea to preserve open space and suggested adding "specific type of properties" not "specific properties"
- we should rely on Town staff to help with this

Jean Wilson stated the following:

- she is concerned with "increasing the required buffer" in item 5, because that would mean a study to see what needs protection
- It is inappropriate to require everything to be increased

Roger Smith stated the following:

- in item 1, he understood that the updating of the Masterplan would create a new separate element for the General Plan
- of these 9 items, only 1 item was in bold print in the POSC report -- "establish a better policy for preserving ridgelines from highly visible development"
- clarified that item 6 is about special properties (list of addresses) and item 7 is about specific areas (intersections, entry points to Town, certain rural roads, etc.)
- important to look at short term recommendations and what was long term
- he doesn't agree with going through it this way

Gary Liss stated the following:

- item 2, he agrees with Kim Fettke's clarification on how to accomplish that and would incorporate both of their comments on that motion
- item 3, we should move forward with expanding the definition of Open Space to add unaltered "natural resource lands"
- item 4, the ridge line is an urgent thing to move forward with as indicated
- item 5, the setbacks should pertain to all the streams
- item 7, this should be modified to include specific areas, "certain intersections, entry points into Town, certain roadways, and special sites in neighboring jurisdictions"
- item 8, he supports Ms. Fettke's recommendation

A motion was made to refer items 1, 2, 3, 4, 8 and 9 back to POSC and items 5, 6, and 7 to come back at a future meeting with more information. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote.

A motion was made to revisit the definition to identify that this definition is not for any regulation or control of properties it is just a definition. On motion by Mayor Kelley, seconded by Councilmember Ucovich and passed by voice vote.

Councilmember Scherer suggested bringing back Roger Smith's recommendations and in the same format as we did tonight, going through to see what we want to include or exclude etc.

13. **Tree Fund Accounting and Uses**

Council asked that the Park and Open Space Commission review the Tree Ordinance for the manner of apportioning and using Tree Fund money and to make such recommendations as the Commission determines

**Recommended action:** Approve Parks and Open Space Commission recommendations to leave the accounting of Tree Funds as is, with one fund, except in the case of developments with specific conditions, and that Tree Fund money be allocated on projects on a case by case as recommended by the Parks and Open Space Commission and approved by the Council

**Public comment:**

Gary Liss, on behalf of the Park and Open Space Commission, stated the following:

- there were no clear records on how much was raised from the two funds
- the allocation and the expense in the future for different projects is a Council decision to be made on a project by project basis
- where there are dedicated funds then we need to preserve records clearly of what is dedicated

Councilmember Ucovich stated the following:

- it is important to know where the money comes from
- we charge more for certain types of oak trees to discourage people from cutting them down
- unless we have a tracking of trees we don't know if that is working, it all goes into one fund
- he would like this on an excel sheet and as the tree permits come in they can be listed and we will know where the money came from
- if oak trees are being cut down then that fund should go to planting more oak trees

Councilmember Millward stated the following:

- he agreed with Councilmember Ucovich
- if we care about Blue Oaks then we should plant Blue Oaks as a replacement
- suggested tracking how many Blue Oaks have been cut down

Councilmember Scherer pointed out the following:

- the reason we charge more for Blue Oaks is that they are rare, they are not propagating anymore, and we want to discourage their removal
- charging for a Blue Oak and trying to plant a replacement Blue Oak is difficult, he doesn't know if you can propagate Blue Oaks
- it is good to track how many Blue Oaks are being cut down, maybe we are not charging enough
- if we don't have the right soil conditions for a Blue Oak then the next best thing we can do is go to the well suited non-native, if that is what is available, then you can get a tree growing, a canopy growing, and the air being cleaned

Mayor Kelley stated the following:

- for protected trees we have more options than just Blue Oaks
- the Sacramento Tree Foundation could work with us to put programs together through the grammar school (Seed to Seedling) and the high school (Hands on Trees, HOT)
- he suggested using some of the money for education and trees for this program

Following further discussion on the matter, a motion was made to leave the tree funds as is, within one fund, except in the case of developments with specific conditions, and that the Tree Fund money be allocated to projects on a case by case basis as recommended by the Parks and Open Space Commission; and effective November 1, 2008 to keep an accounting of the money that is received for tree mitigation based on the type of tree that is removed and its location. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

A motion was made to ask the Park and Open Space Commission to come back with a program that includes the Sacramento Tree Foundations HOT program (high school) and the Seed to Seedling program (grammar school); a LEAF Steward program; include GPS locations for newly planted trees; and to bring the Green Print program into it as well, with a cost. On motion by Mayor Kelley, seconded by Councilmember Ucovich and passed by voice vote.

14. **Meeting Records Retention**

Planning Commissioner, Janet Thew, asked that the Council consider changing the way meetings are archived

**Recommended action:** Discuss and direct staff

**Public comment:**

Continued to November 12, 2008.

15. **Brown Act**

Consider having a review of the Brown Act

**Recommended action:** Discuss and direct staff

**Public comment:**

Continued to November 12, 2008.

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16. **Christmas Festivity and Depot Dedication**

Consider including a dedication of the Depot building during the annual Christmas festivity

**Recommended action:** Approve a date and determine how Council wishes to celebrate the Depot dedication

**Public comment:**

Mayor Kelley asked for funding for the Christmas Festivity and the Depot dedication on December 5<sup>th</sup> for lighting and food.

Roger Smith suggested inviting Will Kempton with Caltrans.

Gary Liss suggested communicating with any Transportation officials and Legislatures to use this as an opportunity to make the case for a train stop in Loomis.

Following further discussion on the matter, a motion was made to authorize spending up to \$1000 for the Christmas Festivity and the Dedication of the Depot on December 5, 2008. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

17. **Select Rocklin Development Projects Update** (Continued from September 9, 2008)

TC 7/8/08

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Avenue that could impact Loomis Residents, Roads, and the general quality of the Loomis community.

**Recommended action:** Review development information and direct the Council sub-committee (Mayor Kelley and Vice Mayor Scherer) that has met once with Rocklin, as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take.

**Public comment:**

Lisa Pywtorak stated the following:

- pointed out that the Rocklin Crossing project hearing is no longer accepting public comment and yet they are not going to vote on it until after the election
- there will be a gap between the close of public comment and their decision
- Rocklin needs to address the traffic, road issues, the impact on the Loomis businesses, and the impact on Loomis residents adjacent to these projects causing loss of quality of life and property value
- there is the issue of the developer contributing land and money to the Interstate 80 interchange which implies an obligation to approve the project before the environmental impact report is finalized
- questioned what has changed since the Rocklin Mall project failed and if those same issues have been mitigated

Gary Liss agreed with Ms. Pywtorak and urged the Council to address the following:

- the accumulative impacts
- AB32 implications under the Global Warming Solutions Act
- Senate Bill 375, by Senator Steinberg, there is clearer direction to address the land use and climate change implications
- he suggested identifying what mitigations the Town wants to be clear when addressing Rocklin

Councilmember Scherer pointed out that we now have two large church proposals on Sierra College that need to be included in the accumulative impacts, even though they are in the County.

**COMMITTEE REPORTS**

18. Placer County Economic Development Commission – Ucovich
19. Placer County Flood Control/Water Conservation District – Morillas
20. Placer County Transportation Planning Agency – Kelley/Millward
21. Placer County Mosquito Abatement – Ucovich
22. Placer County Air Pollution Control District – Millward/Ucovich
23. Placer County Community Services Commission - Millward
24. Sacramento Area Council of Governments – Scherer/Kelley
25. Placer Land Trust ex-officio representative - Scherer

**ADJOURNMENT**

Mayor Kelley stated there was no further business and adjourned at 11:15 p.m.

Russ Kelley  
Mayor

Crickett Strock  
Town Clerk